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November 29, 2021

Honorable Brian M. Cogan
United States District Court Judge
U.S. Eastern District, New York
225 Cadman Plaza East
Brooklyn, NY 11201
VIA ECF Filing

RE: Brainwave Science, Inc. v. Arshee, Inc. et al
Case Number: 1:21-cv-04402-BMC
**Defendants' 11/28/21 Letter Motion for
Extension of Time**

Dear Judge Cogan,

I acknowledge receipt of Attorney Carbonaro's email correspondence sent at 4:00 PM on Friday, November 26, 2021 to the undersigned as well as Attorney Carbonaro's November 28, 2021 letter motion to the Court.

Prior to the Court and counsel expending time in motion practice regarding the issue of personal jurisdiction, the Plaintiff wishes to confirm that the Arshee, Inc. named within Plaintiff's Complaint is the Arshee, Inc. which is a New York Corporation formed under the New York Business Corporation Law. Defendants' allegations, if true, support the contention that there is a second corporation, also named Arshee, Inc., formed under the laws of, and operating within, the State of Washington. (ECF 19-1). Defendants assert that the allegations referenced within the Plaintiff's Complaint should be attributed to the Washington Arshee, Inc., and, accordingly, Plaintiff's Complaint names the wrong Arshee, Inc. Plaintiff has served Defendants with Disclosure Requests (10/19/21) which we believe will shed additional light on this issue.

Plaintiff does not object to Defendants' Motion for an Extension of Time but, based upon the forgoing, respectfully requests an opportunity to be heard regarding disclosure to be provided by Defendants in advance of their anticipated motion.

Respectfully,

Paul F. Tomkins

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